

HOWARD COUNTY BOARD OF COMMISSIONERS MEETING MAY 20, 2013

The Howard County Board of Commissioners met in Regular Session on Monday, May 20, 2013, at 8:30 a.m. in Hearing Room 338 of the Administration Center. Those in attendance included President Tyler Moore, Vice President Paul Wyman, and Member Brad Bray. Also in attendance were County Attorney Larry Murrell and Auditor Martha Lake.

The meeting was called to order by Captain Jerry Asher and conducted by President Tyler Moore. Commissioner Brad Bray led the Pledge of Allegiance and Commissioner Wyman offered a word of prayer.

IN THE MATTER OF APPROVAL OF MINUTES:

The minutes of the May 7, 2013 Regular Meeting, having been previously submitted and reviewed, were approved on a motion made by Mr. Wyman and seconded by Mr. Bray.

IN THE MATTER OF DEPARTMENTAL REPORTS:

SHERIFF DEPARTMENT:

1) After reviewing the Pursuit Vehicle Quotes that were received at the May 7th meeting, Sheriff Rogers recommended that all the quotes be rejected because all the total quotes exceeded the \$150,000 quote limit. The Department would like to prepare new specifications and Invitations to Quote for five pursuit vehicles. The sixth vehicle (non-pursuit) will be quoted as a separate purchase later in the year. A motion was made by Mr. Wyman to reject all quotes for Sheriff Pursuit vehicles. The motion was seconded by Mr. Bray and carried.

2) Sheriff Rogers submitted the final Document of Completion for the Criminal Justice Center Renovation Project and Technology Update. Both Sheriff Rogers and DLZ (engineering vendor) have reviewed and approved the project and check list. A motion was made by Mr. Wyman, seconded by Mr. Bray, and carried to approve the AIA Document Certificate of Substantial Completion on the Howard County Criminal Justice Center Renovation Project and Technology Update, G704-2000, and authorize the President to sign on behalf of the Board of Commissioners.

3) The Sex Offender Fee Ordinance has been advertised and is effective June 1, 2013. The Sheriff's Department will begin collecting fees July 1, 2013. The fee is \$50 annually and \$5 for each change. Ninety percent (90%) of the fee will stay in Howard County to be used for sex offender tracking expenses, and ten percent (10%) will be sent to the State to assist with their registry.

Mr. Moore thanked the Sheriff's Department for the invitation to the Annual Inspection and for holding the Inspection. He commended everyone in the Sheriff's Department and believes that recognition of this type is good, and encourages employees to take good care of their equipment.

4) Sheriff made reference to an abduction that happened out of town, over the weekend. The Howard County Sheriff's Department only had a peripheral part to play in that the parents of the young woman abducted lived in Howard County. The case was referred back to the Indianapolis FBI and may be prosecuted on the federal level.

COUNTY ASSESSOR:

Assessor Jamie Shepherd-Bryant submitted an agreement with Interwest Consulting Group, Inc. for a consulting review of Personal Property Appraisal submitted to Howard County concerning a pending appeal at the state level. When Ms. Shepherd-Bryant first reviewed the appraisal, she had several differences and issues with it. The appeal was declined locally and is now being brought to the state level. An unbiased third-party opinion is needed for this case. Ms. Shepherd-Bryant has worked with this consulting group before; the consulting fee is not to exceed \$12,000.00. Mr. Murrell has reviewed the agreement and found one issue to be changed. That change has been agreed to and amended. The appeal is in Center Township and is \$6.3 million in assessed value over three years, \$200,000 in tax revenue. A motion was made by Mr. Wyman to approve the agreement with Interwest Consulting Group, Inc. in an amount not to exceed \$12,000 and authorize the President to sign on behalf of the Board of Commissioners. The motion was seconded by Mr. Bray and carried.

PERSONNEL DEPARTMENT:

1) Personnel Director Wanda McKillip submitted two PAC recommendations as follows:

A. The first recommendation is a position change for Kinsey Youth Center. The requested changes include (1) Reduce the salary of the Program Director/Shelter Care position from \$41,765 to \$37,500; (2) reduce the salary for the Program Director/Residential position from \$47,353 to \$44,665; (3) reduce the salary of a Caseworker position from \$32,500 to \$30,000; (4) reduce the salary for the Family Functional Therapist position from \$40,000 to \$38,000 and change title to Family Functional Therapist Supervisor; (5) create a new line item Clinical Supervisor Position with a salary of \$9,353. This salary will be part of the salary for the Family Functional Therapist Supervisor. There are no additions to the 2013 budget, only a transfer of dollars and responsibility. The change will be effective June 1, 2013. Director Brent Kelley fielded questions and at its conclusion the PAC Recommendation was approved and will be forwarded to the Howard County Council, on a motion made by Mr. Wyman and seconded by Mr. Bray.

B. Ms. McKillip submitted the PAC recommendation for the Sheriff Department as follows: (1) Reduce Correction Officers FT positions from 34 to 32 and transfer those funds to create two new positions. Those positions are the PREA Coordinator/Sergeant with a salary of \$31,573 and a PREA Training Sergeant at \$31,573. (2) Increase the Road Gang Supervisor salary from \$30,698 to \$31,573 (same as Sergeant position). These changes will be effective June 1, 2013. Sheriff Rogers fielded questions and at its conclusion a motion was made by Mr. Wyman, seconded by Mr. Bray, and carried to approve the PAC recommendation and forward it to the Howard County Council.

COUNTY TREASURER AND AUDITOR:

Treasurer Ann Wells and Auditor Martha Lake submitted the 2013 Tax Sale Support Services Addendum between SRI and Howard County. For one year there will be an increase from \$70 to \$75 per parcel to recoup costs, due to a court ruling in Monroe County requiring extensive notification to all the mortgage companies immediately before the tax sale last year. The court ruling may be overturned when it goes before the Supreme Court, so this agreement appears as an Addendum for one year. The "one-year term" does not appear in the Addendum, so Mr. Murrell will pencil the change in. Treasurer Wells reminded the Board that this cost (\$75) is paid by the purchaser and not by the County. A motion was made by Mr. Wyman to approve the Tax Sale Support Services Addendum, with the addition of language to indicate "for one year". The motion was seconded by Mr. Bray and carried.

IN THE MATTER OF CLAIMS AND REPORTS:

Auditor Lake submitted the following claims and reports for the Commissioner's information and approval:

1. **Salary Claims:** Ms. Lake submitted the Commissioners' Salary, Hourly, and Overtime claims payable May 24 and May 31, 2013, in the amount of \$351,842.54 each. The Salary claims were approved on a motion made by Mr. Bray and seconded by Mr. Wyman.
2. **Operating Claims:** Ms. Lake submitted the Commissioners' Operating Claims payable today, in the amount of \$290,822.49. The claims were approved as submitted on a motion made by Mr. Bray and seconded by Mr. Wyman.
3. **VSO Report:** The Veterans Service Office report for the month of April, 2013 was submitted and received on a motion made by Mr. Bray and seconded by Mr. Wyman.
4. **Township Appeals:** Commissioner Moore was the Hearing Officer for the following Township Appeals:

Traycena Jones, Center Township
Angela Lane, Center Township
Robert Spurgeon, Center Township

Mr. Moore reported that Mr. Spurgeon did not attend the Hearing. The Township will contact him about scheduling another appeal hearing. Mr. Moore vacated the chair to make a motion to uphold the Trustee's denial for all the Township Hearings. The motion was seconded by Mr. Wyman and carried.

IN THE MATTER OF COUNTY ATTORNEY ISSUES:

County Attorney Larry Murrell submitted the following issues for the Board's information and approval:

1. **Unsafe Building:** There is an unsafe building issue for the property located at 9987 East County Road 200 South, owned by Mr. Hensley. As part of the Order, Mr. Murrell suggests that the Board sets a Hearing Date of July 1, 2013 at 4:30. An Order is being prepared that will include the date of hearing. A motion was made by Mr. Wyman to schedule a Public Hearing for an unsafe property on Monday, July 1, 2013, at 4:30 p.m., for property schedule at 9987 E. County Road 200 S., Greentown. The motion was seconded by Mr. Bray and carried.
2. **Moore Invoice:** Mr. Murrell submitted an invoice for payment, from Moore Title & Escrow, in the amount of \$165.00. This invoice is for an ownership report pertaining to Unsafe Property located at 9987 E. County Road 200 S. The invoice was approved for payment on a motion made by Mr. Wyman and seconded by Mr. Bray. Mr. Moore abstained from the vote.
3. **Letter Of Extension:** Mr. Murrell submitted a Letter of Extension to the Grant Support Division of the Office of Community and Rural Affairs, requesting an extension of the completion date for the Howard County Sanitary Sewer Installation Project at Darrough Chapel from June 30, 2013 to December 30, 2013. A copy of Determination 2013 HCDSMD No. 1 will accompany the letter. A motion was made by Mr. Wyman to approve the Letter of Extension and authorize the President to sign on behalf of the Board of Commissioners. The motion was seconded by Mr. Bray and carried.
4. **MOU:** A Memorandum of Understanding was submitted by Mr. Murrell between Howard County and the Greater Kokomo Economic Development Alliance for a \$5,000 small business grant to Unlimited Chiropractic, owned by Ms. Amanda Jones. The Memorandum of Understanding with the Greater Kokomo Economic Development Alliance, for Unlimited Chiropractic, was approved on a motion made by Mr. Wyman and seconded by Mr. Bray.

IN THE MATTER OF COMMISSIONER ISSUES:

COMMISSIONER BRAY:

Commissioner Bray asked that his signature on the U.S. Small Business Administration Office of Disaster Assistance No Cost Space Agreement be ratified. This agreement was signed by Mr. Bray on May 9, 2013, and covers temporary use of the County's property located at 627 South Berkley Road, Howard County EMA. The State Board of Accounts will be using the office from Tuesday, May 14, 2013, through and including Thursday, May 23, 2013, in order to issue disaster loan applications, help applicants complete applications, receive completed applications, and close approved disaster loans for homeowners, rentals, and businesses affected by the declared flooding disaster. A motion was made by Mr. Wyman to ratify Commissioner Bray's signature on the No Cost Space Agreement. Mr. Moore vacated the chair in order to second the motion. The motion carried.

COMMISSIONER WYMAN:

Commissioner Wyman thanked Senator Joe Donnelly for visiting Kokomo on Friday, May 17th. This was to follow up the work his office is doing for the Howard County flooding situation. Mr. Wyman stopped by the office at the EMA Building to thank the State workers who are assisting Howard County residents whose properties were flooded during our recent rain storms.

IN THE MATTER OF PUBLIC COMMENT:

Commissioner President Tyler Moore opened the floor for Public Comment concerning Wind Farms to Mr. Joe Russeau, Ms. Grace Aprill, and Mr. Keith Brautigam. Other citizens were allowed comment as follows:

Joseph Russeau, 1348 N. County Road 800 E., Greentown: Mr. Russeau distributed paperwork to the Board of Commissioners. He is a resident who lives near the Phase II portion of the Wildcat Wind Farm. He only learned of this issue four days before the May 7th Commissioner meeting. He has listened to the arguments, both pro and con, regarding the placement of the turbines. Mr. Russeau issued several indictments; (1) the project was not thoroughly vetted by our elected representatives; (2) public notification was ineffective, and there is room for improvement; (3) according to eON this project is too small for Howard County to reap the benefits of the electricity generated by the wind farms located here; (4) Indiana is considered marginal to poor pertaining to wind potential; (5) tax credits and subsidies enable energy executives to focus on "...pursuing advanced legal and accounting methods rather than investing in studies, innovation, new transmission technology and turbine development"; (6) the Board of Commissioners did not ask eON the right questions, concerning their profitability without the tax abatement; (7) eON would not have invested in Howard County

without the local tax abatement; (8) Commissioners did not weigh the financial feasibility of this project more heavily before contracting with eON; (9) believed Commissioner Wyman was disrespectful to the property owner in Tipton who made a profit on the home that was sold in the “ground zero” area; (10) the Board of Commissioners do not care about the stress and turmoil they are forcing on many county residents; (11) the County Attorney participated in the development of an agreement that would “tie the hands” of the Board of Commissioners, causing them to relinquish their authority to govern. Mr. Russeau is asking the Board of Commissioners to guarantee the property values of the landowners affected by the installation of the wind turbines or draft an amendment holding eON responsible to guarantee those property values.

Commissioner Wyman responded to the comments Mr. Russeau directed to him: lack of transparency, lack of respect to the Tipton landowner, lack of study and due diligence before contracting with eON. He has not received many calls from those directly affected by the wind turbines.

Mr. Joe Anderson, 11750 E. County Road 200 N., Greentown: Mr. Anderson asked the Board of Commissioners several questions with regards to the agreements they’ve signed concerning this issue, and to confirm that Mr. Anderson has attended many meetings since 2009 concerning the Zoning Ordinance, pertaining to Wind Farms. Mr. Anderson also asked Mr. Wyman to speak about his attendance at a recent Tipton County Meeting. In response, Mr. Wyman replied that he did attend the Tipton County Board of Zoning Appeals meeting, as a representative of his constituents, the residents of Chippendale subdivision in Howard County. This was concerning the proposed wind farm in the western portion of Tipton County. Mr. Anderson also asked Mr. Moore if Mr. Anderson had ever spoken against wind farms or abatements. Mr. Moore confirmed that Mr. Anderson was only concerned with wind turbine set back issues. Mr. Anderson confirmed that all public hearings for this issue were publicized. He asks that the Board of Commissioners consider updating that policy. He also asked them to please amend the Zoning Ordinance to increase the setback and to reduce DBA levels. Mr. Anderson has personally been lied to by current wind turbine lease holders. The Wind Tower, built across the road from his house, was to only be up for 1 – 1½ years. It has been 4 ½ years and the tower is still there. He made an official request to the leaseholders to have the tower removed in sixty (60) days. He also asks the Board of Commissioners to look into having the tower removed from the property. He intends to bring a class action lawsuit against the lease holders if there are problems resulting from the wind turbines. Mr. Anderson also expressed appreciation to Mr. Moore and Mr. Wyman, for their amicable way of dealing with him for the past 4 ½ years.

Mark Goodier, 3973 Glen Moore Way, Kokomo: Mr. Goodier stated that we have to make good business decisions, but we also have to consider the quality of life. eOn and the leaseholders will be the only ones to benefit from the wind turbines.

Keith Brautigam, 2234 N. 1000 E., Greentown: Mr. Brautigam asked the following questions: (1) Why have affected parties not received mailings concerning this issue; (2) What is the plan to put out any fires resulting from the turbines and is it in writing; (3) Why were wind turbines put in the Permitted Use category instead of the Special Exception category on the Zoning Ordinance; (4) How are the wind turbines promoting public health and safety? He encouraged a 1.5 mile setback.

At 10:59 a.m., the Board of Commissioners recessed the Regular Meeting in order to hold a previously scheduled Drainage Board Meeting, on a motion made by Mr. Wyman and seconded by Mr. Bray.

The Regular Meeting was reconvened at 11:34 a.m. on a motion made by Mr. Wyman and seconded by Mr. Bray.

Because of the time, Mr. Moore respectfully asked comments to be restricted to 3 – 5 minutes. Public Comment continued as follows:

Kathie L. Sickles, 312 W. Main Street, Greentown: Ms. Sickles talked to the Commissioners concerning low frequency sound waves. She encouraged them to study the “environmental law”. Men feel the effects of low frequency much later than women and children. Consider the children and treat them better than what happened during the “Kokomo Hum” situation.

Grace April, 12765 E. County Road 100 N., Greentown: Informed the Commissioners that there will be a Community Meeting at the Windfall Community Building at 7:00 p.m., Tuesday May 21st. This meeting is to receive feedback from people who are in Phase I of the Wind Farm project. She gave contact information for people who have had problems with

wind turbines. Ms. Aprill would like the Zoning Ordinance to protect the people in the rural areas that are close to the wind turbines. She is asking that an immediate moratorium be issued prohibiting wind turbine permits until the Zoning Ordinance is amended to increase the setback and decrease the DBA. She further asked why we are not using the recommendation of the World Health Organization.

Susan Cox, 308 Holiday Drive, Greentown: Ms. Cox believes that industry is not compatible with agricultural living. Homeowners should not have to accommodate big wind. Wind Energy companies should work around the existing homeowners.

Debbie Bogue, 2789 N. County Road 850 E., Greentown: Wants to continue enjoying farm living and wants to enjoy the stars.

Bob Starke, 73 N. County Road 600 E., Greentown: Mr. Starke asked if the wind company would fold after the tax abatement expires? What is the life expectancy of the equipment? Who maintains the equipment?

Cherie Weeks, 7236 E. County Road 100 N., Greentown: Negative repercussions are not immediate. They happen over time. She gave many negative statistics and supplied Mr. Wyman with the name of someone with real experience.

Tom Cornell, 3631 N. County Road 900 E., Greentown: Mr. Cornell gave amended information from eON concerning how much cement is used for turbine installation. Mr. Cornell was reminded by the Board of Commissioners and Attorney Murrell that we currently have a Road Agreement with eON to put the roads back to original condition or better.

Mark Gatti, 3340 S. County Road 1250 E., Greentown, Indiana: Mr. Gatti is in support of Wind Farms and believes the Commissioners did a good amount of research. He also believes there is a panic but admits a concern about set back issues.

John Garr: Mr. Garr believes wind turbines interrupt crop dusting efforts.

Grace Aprill: Are the Commissioners considering a moratorium in order to amend the Zoning Ordinance concerning setback issues and DBA?

Commissioner Moore assured those in attendance that the Board of Commissioners takes every comment seriously and they are still in the process of discussion with each other and with eON.

Kerry Molino: Mr. Molino commented that he would rather have his rural setting than the tax money generated from the wind farms.

Susie Randolph: Ms. Randolph has sent letters to elected officials concerning wind farms, and has only received a response from the Governor. She believes that landowners were not taken into consideration and asks the Commissioners to please step back from this decision and keep turbines away from rural residents. There are more people against the wind farms than those who are in favor. Please consider this issue like it was in your backyard.

President Moore thanked all for coming and for submitting their information. He assured everyone that the only offense he has taken from several of the comments was the condemnation of the Board for not researching the issue and taking it seriously. The Board of Commissioners has taken the information, has done their own research and has prayed about what's best for Howard County. The Commissioners do take all comments seriously. "You have our word on that". He also believes that having public comment and dialogue serves a greater and more transparent purpose than forming an independent group.

There being no further business to come before the Board of Commissioners at this time, the meeting was adjourned at 1:04 p.m., on a motion made by Mr. Wyman and seconded by Mr. Bray.

HOWARD COUNTY BOARD OF COMMISSIONERS:

TYLER O. MOORE, PRESIDENT

PAUL G. WYMAN, VICE PRESIDENT

ROBERT B. BRAY, MEMBER

ATTEST:

MARTHA J. LAKE, AUDITOR
Howard County Commissioner Meeting May 20, 2013